

Message

From: Mahmud, Shahid [Mahmud.Shahid@epa.gov]
Sent: 5/1/2017 10:16:30 PM
To: Hanley, Jim [Hanley.James@epa.gov]; Costanzi, Frances [Costanzi.Frances@epa.gov]; Jenkins, Joy [Jenkins.Joy@epa.gov]
CC: Murray, Bill [Murray.Bill@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]; Countryman, Kevin [Countryman.Kevin@epa.gov]
Subject: FOIA Request on Mining Sites Discharge Data
Attachments: AP FOIA 2017 Table4281712 May 1 2017 Region 8.xlsx

Jim, Joy, and Fran,

In following up on my April 14th email below, I am attaching an Excel spreadsheet intended to capture discharge data and other information for mining and mineral processing sites. This is a necessary response to the Associated Press (AP) Freedom of Information Act (FOIA) request. We are trying to provide as much data we have readily available to the AP with the hope that the FOIA request for this information is withdrawn. I am also attaching the incoming FOIA request for your information.

I acknowledge that the number of sites listed on the spreadsheet may at first seem overwhelming. But since the information being requested is available for only a very small number of sites (typically those on the NPL (the unshaded cells on the spreadsheet indicate NPL site names which may have advanced to the RI/FS stage or beyond). I also realize that some of the sites on the NPL are early in the process and may not have the data readily available. There *may* possibly be some data on non-NPL sites (shaded cells) which are at the EE/CA stage, but data at these sites may be very limited. For sites that do not have any data or sites that do not have any discharge (e.g., smelter or residential soils sites), simply put in Not Applicable (N/A). Also, for sites that are in the early stages of the Superfund pipeline, please put in N/A.

The incoming FOIA request seemed unfocused and we have done our best to narrow this initial request. Matt Brown (AP FOIA requester) has accepted our proposed path forward, in that we gather, calculate, and provide available information only. Our method of analysis, given such sparse data, will seem anecdotal for his eventual article on mining sites, but having you in the regions extrapolate informed opinions from known flow data may be the best that we can provide. So the calculations for the data you'll be entering on the attached spreadsheet may strike you as oversimplifying a vastly more complex process. But complete what you can, and--when asked--try to give a ballpark estimate (pounds captured, percentages captured, etc.) where you think you are able. Maybe we can put in estimates based on the captured/not captured flow data (gpm) you have filled in as the ratio of pounds captured/pounds not captured. For some sites we may have average flow whereas others may have ranges low to peak. Please enter what is best based on your best judgement and add a caveat in the Comments column.

Instructions for filling out the Spreadsheet:

It is not required that you fill out all of the columns. As for the rows, for a vast majority of sites you will simply enter N/A. For the sites for which you *do* have data, the number of fields we are asking you to fill out (headers in black font, cells unshaded) is just a subset of the fields you see laid out in the spreadsheet. In essence, you will be filling out the flow data (gpm); the primary, secondary, and tertiary contaminants of concern (COCs) in the mine influenced water (MIW) being discharged or captured; and the concentrations of these COCs. Additionally, you will be entering the pH for the discharged/captured mine-influenced waters. We have included calculation columns (shaded cells under headers showing *italicized text in red font*) which automatically compute the discharged mass in pounds per day. So do not enter anything in these shaded columns.

When you have entered your available data, we ask that, taking into account the calculated discharges (admittedly a simplification of actual field discharges) and then use your best professional judgement to make an estimate of the Pounds Captured; the Pounds Not Captured; and the percentage of discharge actually being captured, etc. At the rightmost column, we have provided space for you to make Comments for putting in your assumptions/caveats

concerning any site data entered. Where you see a column having a heading in non-italic black font, we want you to fill in its unshaded cells for each of site having known data. Please call me if you have any questions.

We told the reporter that we would get him the available information to him by mid-June. I request that you send me your filled out spreadsheet by **June 12** so that it can be okayed by mangement before being sent to AP. Thanks for all your efforts in filling out this information.

Shahid Mahmud
Team Leader
EPA Abandoned Mine Lands Team
703-603-8789

From: Mahmud, Shahid
Sent: Friday, April 14, 2017 9:25 AM
To: Hathaway, Ed <Hathaway.Ed@epa.gov>; Hauptman, Mel <Hauptman.Mel@epa.gov>; Moyik, Cathy <moyik.cathy@epa.gov>; Root, Charlie <Root.Charlie@epa.gov>; Conway, Bette <Conway.Bette@epa.gov>; Carr, Lofton <Carr.Lofton@epa.gov>; Teichert, Candice <Teichert.Candice@epa.gov>; Young, Nestor <Young.Nestor@epa.gov>; Aultz, Erica <aulz.eric@epa.gov>; Purcell, Mark <purcell.mark@epa.gov>; Casanova, Rafael <Casanova.Rafael@epa.gov>; Gunn, Gene <gunn.gene@epa.gov>; Hanley, Jim <Hanley.James@epa.gov>; Costanzi, Frances <Costanzi.Frances@epa.gov>; Jenkins, Joy <Jenkins.Joy@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Hillenbrand, John <Hillenbrand.John@epa.gov>; tavassoli, lily <tavassoli.lily@epa.gov>; Moreen, Ed <Moreen.Ed@epa.gov>; McGrath, Patricia <m McGrath.patricia@epa.gov>; Sheldrake, Beth <sheldrake.beth@epa.gov>
Cc: Stalcup, Dana <Stalcup.Dana@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Duteau, Helen <Duteau.Helen@EPA.GOV>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Countryman, Kevin <Countryman.Kevin@epa.gov>
Subject: FOIA Request on Mining Sites Discharge Data

We had a very productive discussion with the AP Reporter who send the FOIA Request for mine sites discharge data back in February. My Division Director and I made the case for letting the National Mining Team populate an excel spreadsheet which captures the data we believe he is seeking, where available. I read him some of the data elements we can pull together for him through our combined efforts. I also caveated that we will only provide the well referenced (RI/FS, USGS data) information we have in hand and calculate discharge loadings for him, where available. We also noted that we do not have data on many sites that are not far enough in the Superfund pipeline and that for some sites like mineral processing sites (smelters) water discharge may not be a pathway of concern.

The reporter thought that our proposed approach was reasonable and that he needed to check with his boss on deferring/withdrawing the FOIA. We noted that we will try to get him this information by **mid-June**. Based on the information we submit and if his boss is okay, AP may withdraw the FOIA request. I will be expanding the excel spreadsheet that I have previously shared with you to include all 516 sites that we have as our Mining and Mineral Processing sites on our most recent SEMS master list. I plan on sending sending this excel spreadsheet to you next week. I hope pulling this information to populate the excel spreadsheet is less painful than the FOIA ask and that this request is reasonable. Thanks and have a great weekend!

Dana, Schatzi, Greg, I hope that this email accurately reflects our conversations with Matt Brown?

Shahid Mahmud
Team Leader
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